

**DECLARATION OF THOMAS R. PASCOE IN SUPPORT OF PETITION FOR PERMIT**  
**TO DISCLOSE OR MODIFICATION OF SECRECY ORDER ON U.S. PATENT**  
**APPLICATION NO. 09/883,851**

I hereby declare that:

1. I am President and Chief Executive Officer of HiEnergy Technologies, Inc.
2. HiEnergy Technologies, Inc. is the sole assignee of U.S. Patent Application No. 09/883,851, filed June 18, 2001, entitled "Method And Apparatus For Neutron Microscopy With Stoichiometric Imaging" (herein "the Application").
3. The Application is under a Secrecy Order mailed from the U.S. Patent and Trademark Office on October 18, 2002.
4. The technology of the Application can provide immeasurable benefit in the field of Homeland Security, including airport security, landmine detection, port security, and security at points of entry to military and government institutions, as well as numerous military applications such as unexploded ordnance (UXO) identification.
5. To enter into U.S. Government contracts and to be eligible for U.S. Government funding grants, HiEnergy Technologies, Inc. must submit proposals and conduct demonstrations which would disclose information relating to the Application to various U.S. Government agencies, departments, and national laboratories, including but not limited to, Department of Defense (all services), Department of Energy, all divisions of the proposed Department of Homeland Security, Department of Transportation, Department of Agriculture, and Department of the Treasury (including the U.S. Customs Service).
6. To raise funding, to negotiate strategic partnerships, and to conduct further work, HiEnergy Technologies, Inc. must disclose information relating to the Application to various Tier I Defense Suppliers (including Boeing, Lockheed Martin, and L3 Communications), the National Science Foundation, and the University of California.
7. Prior to its receipt of the Secrecy Order, HiEnergy Technologies, Inc. has disclosed the subject matter of the Application in numerous grant proposals to various U.S. Government agencies, the U.S. military, and various non-military organizations, including most recently a grant proposal to the U.S. Transportation Security Administration for an explosives detection system to secure our nation's airports.

8. A demonstration of the technology of the Application for the U.S. Navy/Explosive Ordnance Disposal Technology Division was scheduled for December 17, 2002 in Indian Head, Maryland, for the evaluation of the technology for deciphering the contents of unexploded ordnance, which is necessary for Homeland Security and the safety of Navy personnel. This demonstration could lead to a potential \$100 million contract for HiEnergy Technologies, Inc. from the U.S. Navy, but due to the restrictive requirements of the Secrecy Order, HiEnergy Technologies, Inc. has requested the demonstration to be rescheduled until the Secrecy Order is modified or rescinded.
9. Without the ability to disclose information relating to the technology of the Application, HiEnergy Technologies, Inc. can not conduct activities directed towards developing the technology of the Application. Therefore, failure to grant a permit to disclose or modification of the Secrecy Order is harmful to National Security by delaying the development of a technology having significant value to the U.S. Government in its efforts to improve Homeland Security.
10. I hereby state that I have reviewed and understand the contents of this declaration, and I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the corresponding U.S. application and any patent issued thereon.

Full name of declarant: Thomas R. Pascoe

Declarant's signature

Thomas R Pascoe

Date

12-12-02

Appl. No. 09/883,851  
H:\DOCS\BSI\BSI-3389.DOC  
121202